

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIE SAMPSON,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:20-cv-00615-MMD-WGC

ORDER

In this habeas corpus action, the Court appointed counsel for Petitioner Willie Sampson, and counsel appeared for Sampson on December 3, 2020. (ECF Nos. 3, 5.) On March 3, 2021, the Court granted Sampson a lengthy extension of time—to September 29, 2021—to file an amended habeas petition, and the Court stayed the action pending the filing of the amended petition. (ECF No. 14.)

Sampson filed his amended petition on September 29, 2021 (ECF No. 16), so the Court will lift the stay of this action.

On September 29, 2021, along with the amended petition, Sampson filed a motion (ECF No. 17) for leave to file two exhibits—Exhibits 1 and 2—under seal. The exhibits Sampson proposes to file under seal include personal medical and psychological records regarding the alleged victim. (*Id.* at 2.) The victim was a minor when these records were created and was a minor when the events underlying this action occurred. (*Id.*) Respondents did not respond to Sampson’s motion to seal. While courts prefer the public retain access to judicial filings and documents, a party may request the sealing of a judicial record by demonstrating “compelling reasons” to do so. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978); *Kamakana v. City & Cty. of Honolulu*, 447

1 F.3d 1172, 1178–79 (9th Cir. 2006). Protecting the privacy of confidential medical records
2 constitutes a compelling reason. *Cf. Kamakana*, 447 F.3d at 1186–87 (affirming decision
3 to unseal all records except medical records). The Court finds that there is good cause
4 for Sampson’s Exhibits 1 and 2 to be filed under seal.


5 On October 13, 2021, Sampson, acting *pro se*, filed a motion to dismiss counsel.
6 (ECF No. 19.) He complains that his appointed counsel from the Office of the Federal
7 Public Defender for the District of Nevada have not sufficiently investigated his case and
8 have not sufficiently “present[ed] the evidence.” (*Id.* at 2.) The Court will require
9 Sampson’s counsel to respond, under seal, to this motion.

10 It is therefore ordered that the stay of this action is lifted. The Clerk of Court is
11 directed to update the docket accordingly.

12 It is further ordered that Sampson’s Motion for Leave to File Exhibits 1 and 2 Under
13 Seal (ECF No. 17) is granted. As those documents have already been filed under seal
14 (ECF No. 18), no further action is necessary in this regard.

15 It is further ordered that Sampson’s counsel will have 30 days from the date of this
16 order to file a response to Sampson’s *pro se* Motion to Dismiss Counsel. (ECF No. 19.)
17 The response of Sampson’s counsel must be filed under seal.

18 DATED THIS 19th Day of October 2021.

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21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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